

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Erin W. Moffitt, individually)	
and as Personal Representative of the)	
Estate of Scott Alan Moffitt,)	
)	
Plaintiff,)	Civil Action No.: 3:13-cv-01669-TLW
)	
vs.)	
)	
USAA Life Insurance Company and)	
Harry O. Harmon, in his official capacity)	
as Lexington County Coroner,)	
)	
Defendants.)	
_____)	

ORDER

This matter is before the Court for consideration of a Consent Motion to Stay the above-captioned matter filed by the Plaintiff, Erin W. Moffitt, individually and As Personal Representative of the Estate of Scott Alan Moffitt (“plaintiff”), on July 2, 2013. (Doc. #10). In the motion, plaintiff requests an Order staying the Conference and Scheduling Order (Doc. #7) in this case because plaintiff “intends to file a Motion to Remand.” (Doc. #10). The motion indicates that the Defendants, USAA Life Insurance Company and Harry O. Harmon, in his official capacity as Lexington County Coroner (collectively “defendants”), consent to the stay.

As noted, plaintiff states in her motion that plaintiff intends to file a motion to remand this case to state court. (Doc. #10 at 1). The procedure following the removal of a case to federal court is governed by statute, 28 U.S.C. § 1447. Section 1447(c) provides that, with the exception of a motion based on lack of subject matter jurisdiction which may be challenged at any time, a “motion to remand [a] case . . . must be made within 30 days after the filing of the notice of removal under section 1446(a).” Plaintiff’s motion does not ask the Court to stay this

case for a specific time period. Moreover, plaintiff has not yet filed a motion to remand and plaintiff's motion does not state when she intends to file the motion.

Accordingly, in the interest of judicial economy, it is **HEREBY ORDERED** that the consent Motion to Stay (Doc. #10) be and is **GRANTED**. The plaintiff is directed to file her motion to remand as contemplated in the motion to stay within thirty (30) days of the entry of this Order. All proceedings in the above-captioned action are hereby stayed pending further Order of this Court.

IT IS SO ORDERED.

s/ Terry L. Wooten
TERRY L. WOOTEN
Chief United States District Judge

July 12, 2013
Columbia, South Carolina